IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO. 707 OF 2004.

Smt.Anandibai Yeshwant Kashid & others. ... Appellants.
Versus.
Smt.Tanubai Ramchandra Kashid & ors. ... Respondents.

Shri P.D.Dalvi for the Appellants.

CORAM : ABHAY S.OKA, J.

DATED : 14th August, 2006.

P.C.:

1. Heard Shri Dalvi for the Appellants. The Appellants are the original Defendants Nos.1 to 3. The trial Court passed a decree for partition and separate possession in favour of the original Plaintiffs. The Appellate Court confirmed the decree. A perusal of the Judgment of the Appellate Court shows that only one submission was made before the 1st Appellate Court by the present Appellants. The said submission is based on the alleged relinquishment by deceased Ramchandra of his share in the suit property in lieu of receipt of cash amount of Rs.15,000/- and golden ornaments of 15 tolas. No other point was canvassed before the Appellate Court.

2. On the basis of the oral and documentary evidence on record, the Appellate Court confirmed the findings of the trial Court and held that the theory of relinquishment was not established by the Appellants.

The only modification made by the Appellate Court is as regards the quantum of share allotted to Respondent No.5 before it.

3. No case is made out for interference and hence the Second Appeal is dismissed.

Judge.